

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CRAIG LEE MILLER,

Plaintiff,

v.

Case No. 18-cv-1126-pp

CAROL STRAKS,

Defendant.

ORDER DISMISSING CASE FOR FAILURE TO PAY FILING FEE

On July 20, 2018, plaintiff Craig Lee Miller, a state prisoner who is representing himself, filed a complaint under 42 U.S.C. §1983 alleging that several defendants had violated his constitutional rights. Dkt. No. 1. He also filed a motion asking the court to allow him to proceed without prepaying the filing fee. Dkt. No. 2.

On July 27, 2018, the court issued an order denying the plaintiff's motion to proceed without prepaying the filing fee. Dkt. No. 3 at 2-3. The court observed that the plaintiff had accumulated at least three "strikes" under 28 U.S.C. §1915(g), which meant that he could not proceed without prepaying the filing fee. Id. at 1-2. The court also found that the plaintiff had not demonstrated that he was under threat of imminent danger—the exception that would allow him to proceed without paying the filing fee despite his strikes. Id. at 2-3. The court ordered the plaintiff to pay the full filing fee by the end of the day on Friday, August 24, 2018, and warned the plaintiff that if it

did not receive the filing fee by that date, it would dismiss the case for failure to pay. Id. at 8.

The court also screened the plaintiff's complaint. Id. at 5-7. The court concluded that the plaintiff had brought unrelated claims against unrelated defendants in the same case, and gave him an opportunity to file an amended complaint that complied with Federal Rules of Civil Procedure 18(a) and 20. Id. at 8. The court ordered that, if the plaintiff paid the filing fee by the date the court had ordered, he could file an amended complaint no later than Friday, September 7, 2018. Id. The court advised the plaintiff that even if he timely paid the filing fee, the court could dismiss his case if he didn't file the amended complaint by the date the court had set. Id. at 8-9.

August 24, 2018 has *long* passed, and the plaintiff has not paid the filing fee as the court ordered him to do. On July 30, 2018, he filed a document titled "Amendment to Statement of Claim." Dkt. No. 5. A week after *that*, on August 6, 2018, the plaintiff filed an amended complaint. Dkt. No. 6. But the plaintiff has not complied with the court's order to pay the full filing fee by August 24, 2018.

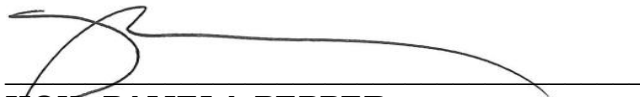
The court should have dismissed this case a year and a half ago, but it has had a backlog on its docket and has fallen behind on many cases. In the last year and a half, the plaintiff has twice written the court, asking what is going on in the case, dkt. nos. 7, 8, but he *still* has not paid the required filing fee. The plaintiff asked in his last letter if he did something wrong. The answer

is that he has not paid the filing fee as the court ordered, and the court will dismiss the case.

The court **ORDERS** that this case is dismissed for failure to pay the filing fee, as required by the court's July 27, 2018 order at Dkt. No. 3.

Dated in Milwaukee, Wisconsin this 4th day of February, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge